

Minute Entry  
Lisi, C.J.  
December 7, 2007

**United States District Court  
District of Rhode Island**

In Re: Kugel Mesh Hernia Products Liability Litigation  
Multidistrict Litigation (MDL 1842)

MDL DOCKET NO. 07-1842-ML  
All Cases

The monthly status conference was held on December 6, 2007. The conference was transcribed. The Court met with counsel and discussed the items listed on the amended agenda (docket # 60).

Pending Motions

Mathein Complaint – Defense counsel to file answer in accord with case management order.

Witt Complaint – Plaintiff to file amended complaint on December 7, 2007.

Tutorial

The Court informed counsel to be prepared to present a basic tutorial to the Court on the fundamentals of the product and the claims of product failure at the next conference.

Plaintiff's Fact Sheet

Plaintiff's fact sheets on the six to ten identified cases for potential settlement/evaluation to be forwarded to Defense counsel by January 1, 2008.

Defendants' Fact Sheet

Defense counsel did not agree to the use of a Defendants' fact sheet.

Fed. R. Civ. P. 26(f)

Rule 26(f) disclosure conference is an ongoing process. Defense counsel to forward outstanding information to Plaintiffs' counsel on or before December 14, 2007. Plaintiffs counsel to prepare proposed order.

Case Management Order/Protective Order

Case management order entered. Protective and Confidentiality order entered.

### Motions to Remand

Risley Complaint – Defendant to file motion to remand on or before 12/31/07.

Gayvont Complaint – Plaintiff to file motion to remand on or before 12/31/07.

### Tolling Agreement

The parties did not reach an agreement with respect to a tolling agreement.

### Open Session

If necessary, the Court will hold an open session conference every third monthly conference.

### Scheduling Pending Motions

When possible, the Court will schedule hearings on pending motions immediately after the monthly conferences.

### Preservation of Evidence Order

The Court will not issue an order on the preservation of evidence until the matter is the subject of a motion that has been briefed by the parties.

### Number of Attorneys Participating in Depositions

The number of attorneys participating in examination during depositions shall be limited to two attorneys per side. If they wish, the parties may also have two additional attorneys in the room during the deposition examination. If an *extreme* situation arises with respect to the number of attorneys participating in examination or attending a deposition, and the parties cannot reach an agreement, the parties should bring the matter to the attention of the Court.

### Scope of MDL Position Papers

The parties will file positions papers, not to exceed four (4) pages, on the subject of whether this litigation is strictly limited to recalled products. Position papers are to be forwarded to the Court on or before January 2, 2008.

### Other

Defense counsel anticipate filing a motion regarding ex-parte communications with treating physicians before the next conference.

### Next Meeting

January 8, 2008, at 1:00 p.m. in room 307 of the United States District Courthouse, Providence, Rhode Island.